



Docket No. 44657-AAA-PCT-US/JPW/GJG/BJA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Joseph R. Berger
Serial No.: 10/052,961 Group Art Unit: 1617
Filed : January 18, 2002 Examiner: S. Wang
Title : A METHOD FOR AMELIORATING MUSCLE WEAKNESS/WASTING
IN A PATIENT INFECTED WITH HUMAN IMMUNODEFICIENCY
VIRUS-TYPE 1

1185 Avenue of the Americas
New York, New York 10036
June 6, 2006

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT TO THE
ACCOMPANYING REQUEST FOR CONTINUED EXAMINATION (RCE)**

This is a Fifth Supplemental Information Disclosure Statement to the accompanying Request for Continued Examination (RCE) filed in response to the Final Office Action issued by the United States Patent and Trademark Office on January 6, 2006 in connection with the above-identified application. A response to the January 6, 2006 Final Office Action was due April 6, 2006. Applicant filed an Amendment Under 37 C.F.R. §1.116 In Response to January 6, 2006 Final Office Action And Petition For A Two-Month Extension of Time on May 12, 2006. Accordingly, the subject application is pending as of June 6, 2006 and the accompanying Request for Continued Examination is being timely filed.

In accordance with their duty of disclosure under 37 C.F.R. § 1.56 applicant directs the Examiner's attention to the following references which are listed on the attached Form PTO-1449 (**Exhibit A**) and attached hereto.

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Applicants are filing this Fifth Supplemental Information Disclosure Statement to supplement the Information Disclosure Statement filed on January 18, 2002, the Supplemental Information Disclosure Statement filed on October 9, 2003, the Supplemental Information Disclosure Statement filed on March 5, 2004, the Third Supplemental Information Disclosure Statement filed on May 14, 2004, and the Fourth Supplemental Information Disclosure Statement filed on October 11, 2005. Applicant files this Fifth Supplemental Information Disclosure Statement under C.F.R. §1.97(b)(4), before the mailing of the first Office Action on the merits after the accompanying Request for Continued Examination (RCE) has been entered. Accordingly, applicant requests that this Fifth Supplemental Information Disclosure Statement be considered.

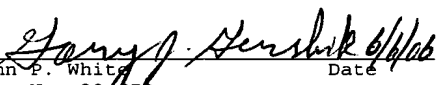
1. Morton, J.J.P., and M.H. Malone, (1972), "Evaluation of Vulnerary Activity by an Open Wound Procedure in Rats", Arch. Int. Pharmacodyn, Vol. 196, pp. 117-126 (**Exhibit 1**); and
2. "Orphan Drug for HIV Wasting Syndrome", Am. Fam. Physician (1991), Vol. 44, page 1889 (**Exhibit 2**).

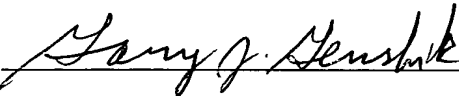
If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorneys invite the Examiner to telephone them at the number provided below.

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No fee, other than the enclosed RCE fee of \$790.00, is deemed necessary in connection with the filing of this Fifth Supplemental Information Disclosure Statement. If any such fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450	
 John P. White Reg. No. 28,678	Date 6/6/06
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Exhibit A